STATUTORY INSTRUMENTS

1961 No. 1597

NURSES AND MIDWIVES

The General Nursing Council Disciplinary Proceedings (Legal Assessor) Rules, 1961

Made - - - - 18*th August*, 1961
Coming into Operation 1*st September*, 1961

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by section 10 of the Nurses (Amendment) Act, 1961(**a**), hereby make the following Rules:—

1. These Rules may be cited as the General Nursing Council Disciplinary Proceedings (Legal Assessor) Rules, 1961, and shall come into operation on the first day of September, 1961.

2.—(1) In these Rules—

(*a*) the expression "the Council" means the General Nursing Council for England and Wales; and

(*b*) the expression "the Committee" means the Disciplinary Committee set up by the Council in accordance with the provisions of Rule 59 of the Nurses Rules, 1961(**b**), or the Enrolled Nurses Committee; and

(*c*) the expression "Legal Assessor" means an assessor appointed under the provisions of section 10 of the Nurses (Amendment) Act, 1961.

(2) The Interpretation Act, 1889(**c**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. It shall be the duty of the Legal Assessor to be present at all proceedings before the Committee relating to the removal of a person from the register, the roll or the list for disciplinary reasons, and at any other proceedings relating to the removal of a person from, or the restoration of a person to, the register, the roll, or the list, at which his attendance is required by the Committee, and to advise the Committee on any questions of law and the admission of evidence arising in the proceedings which they may refer to him.

4. It shall be the duty of the Legal Assessor to inform the Committee forthwith of any irregularity in the conduct of proceedings before them which may come to his knowledge and to advise them of his own motion where it appears to him that, but for such advice, there is a possibility of a mistake of law being made.

5. The advice of the Legal Assessor shall be tendered to the Committee in the presence of every party, or person representing a party, to the proceedings who appears thereat:

Provided that if, in the case of any question referred by the Committee to the Legal Assessor while the Committee are deliberating in private, the Committee consider that it would be prejudicial to the discharge of their duties for the advice to be tendered in the presence of the said parties

(**a**) 9 & 10 Eliz. 2, c. 14. (**b**) S.I. 1961/1520 (*See* p. 3127 of this Pt.).
(**c**) 52 & 53 Vict. c. 63.

or their representatives, it may be tendered in their absence, but the Legal Assessor shall, as soon as may be, personally inform them of the question which has been put to him by the Committee and of his advice thereon, and his advice shall subsequently be put in writing and a copy thereof shall be given to every such party or representative.

6. If on any occasion the Committee do not accept the advice of the Legal Assessor, a record shall be made of the question referred to him, of the advice given and of the refusal to accept it (together with the reasons for such refusal), and a copy of the record shall be given to every party, or person representing a party, to the proceedings who appears thereat.

7. Copies of written advice, made for the purposes of either of the last two foregoing Rules, shall be available on application to every party to the proceedings who does not appear thereat.

Dated the 18th day of August, 1961.

Kilmuir, C.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules regulate the functions of the Legal Assessor appointed under section 10 of the Nurses (Amendment) Act, 1961, to advise Committees of the General Nursing Council on questions of law arising in disciplinary cases before them.